

CLOSED, **ACO**, **TRADEMARK**

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:21-cv-01679-EK-PK**

Nike, Inc. v. MSCHF Product Studio, Inc.
Assigned to: Judge Eric R. Komitee
Referred to: Magistrate Judge Peggy Kuo
Cause: 15:1114 Trademark Infringement

Date Filed: 03/29/2021
Date Terminated: 04/12/2021
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff**Nike, Inc.**

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V.

Defendant

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Date Filed	#	Docket Text
03/29/2021	<u>1</u>	COMPLAINT against MSCHF Product Studio, Inc. filing fee \$ 402, receipt number ANYEDC-14320929 Was the Disclosure Statement on Civil Cover Sheet completed -YES,, filed by Nike, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons) (Schneider, Kyle) (Entered: 03/29/2021)
03/29/2021		Case Assigned to Judge Eric R. Komitee and Magistrate Judge Peggy Kuo. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 03/29/2021)
03/29/2021	<u>2</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 03/29/2021)

03/29/2021	<u>3</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 03/29/2021)
03/29/2021	<u>4</u>	Summons Issued as to MSCHF Product Studio, Inc.. (Bowens, Priscilla) (Entered: 03/29/2021)
03/29/2021	<u>5</u>	Notice of Report on the filing of an action regarding a Patent or Trademark. (Attachments: # <u>1</u> complaint) (Rocco, Christine) (Entered: 03/29/2021)
03/29/2021	<u>6</u>	<p>SCHEDULING ORDER: A Telephone Initial Conference will be held in this case on June 29, 2021 at 10:30 a.m. before Peggy Kuo, United States Magistrate Judge. All counsel are required to attend. The parties are directed to call toll free (877) 336-1274 and input the Access Code 1453850 at the time of the Conference. No additional security code is needed. Once all parties are on the line, the call will be connected. (The parties are reminded that, pursuant to Local Civil Rule 1.8, they may not independently record any court proceedings. A transcript of the proceedings may be ordered from the Clerk's Office.)</p> <p>Counsel are directed to the annexed Initial Conference Order for instructions. By June 24, 2021, the parties must file a joint and completed copy of the Proposed Discovery Plan, a PDF version of which may be found at: https://img.nyed.uscourts.gov/files/forms/PK-discovplan.pdf Any request for adjournment of this or any other conference must be made in writing on notice to opposing parties, and must disclose whether or not all parties consent. No request for adjournment will be considered unless made at least two (2) business days before the scheduled conference, except in the event of an emergency. <u>Counsel with knowledge and authority must be present. Per diem counsel may not appear without prior permission of the Court.</u> Plaintiff's counsel is directed to ensure that Defendant is aware of this conference. Ordered by Magistrate Judge Peggy Kuo on 3/29/2021. (O'Neil-Berven, Ryan) (Entered: 03/29/2021)</p>
03/30/2021	<u>7</u>	Unsigned Order to Show Cause by Nike, Inc. (Attachments: # <u>1</u> NIKE, INC.S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR A TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION, # <u>2</u> Exhibit 1 - DECLARATION OF JOE PALLETT IN SUPPORT OF NIKE, INC.S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR A PRELIMINARY INJUNCTION & TEMPORARY RESTRAINING ORDER, # <u>3</u> Exhibit 2 - DECLARATION OF BRIDGETTE BOYD IN SUPPORT OF PLAINTIFF NIKE, INC.S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION) (Schneider, Kyle) (Entered: 03/30/2021)
03/30/2021	<u>8</u>	SUMMONS Returned Executed by Nike, Inc.. MSCHF Product Studio, Inc. served on 3/30/2021, answer due 4/20/2021. (Schneider, Kyle) (Entered: 03/30/2021)
03/30/2021	<u>9</u>	CERTIFICATE OF SERVICE by Nike, Inc. re <u>8</u> Summons Returned Executed, <u>1</u> Complaint, <u>4</u> Summons Issued, <u>7</u> Unsigned Order to Show Cause,, [Served via E-mail on March 30, 2021] (Schneider, Kyle) (Entered: 03/30/2021)

03/31/2021	10	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14328059. by Nike, Inc.. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice, # 2 Certificate of Good Standing from the state of Illinois) (Harris, Michael) (Entered: 03/31/2021)
03/31/2021	11	NOTICE of Appearance by David H. Bernstein on behalf of MSCHF Product Studio, Inc. (aty to be noticed) (Bernstein, David) (Entered: 03/31/2021)
03/31/2021	12	NOTICE of Appearance by Megan K. Bannigan on behalf of MSCHF Product Studio, Inc. (aty to be noticed) (Bannigan, Megan) (Entered: 03/31/2021)
03/31/2021		ORDER granting 10 Motion for Leave to Appear Pro Hac Vice. Attorney Michael J. Harris is permitted to appear <i>pro hac vice</i> on behalf of Plaintiff Nike, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Peggy Kuo on 3/31/2021. (O'Neil-Berven, Ryan) (Entered: 03/31/2021)
03/31/2021		SCHEDULING ORDER re Emergency MOTION for Order to Show Cause for a Temporary Restraining Order: The court will hold argument tomorrow, Thursday, April 1 at 9:00 am via telephone. Courtroom Deputy Fida Abdallah will send counsel the dial-in information by email. All other attendees may listen to the proceeding by dialing 888-808-6929, and use access code 564-7824. Ordered by Judge Eric R. Komitee on 3/31/2021. (Abdallah, Fida) (Entered: 03/31/2021)
03/31/2021	13	AFFIDAVIT of Service for 7 Unsigned Order to Show Cause, Memorandum of Law, and supporting declarations served on MSCHF Product Studio, Inc./o Legaline Corporate Services Inc., Registered Agent on 03/31/2011, filed by Nike, Inc.. (Schneider, Kyle) (Entered: 03/31/2021)
03/31/2021	14	Letter Regarding Plaintiff's Motion for a Temporary Restraining Order by MSCHF Product Studio, Inc. (Bannigan, Megan) (Entered: 03/31/2021)
04/01/2021	15	Letter Regarding Nike's Motion for a Temporary Restraining Order by Nike, Inc. (Harris, Michael) (Entered: 04/01/2021)
04/01/2021	16	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14332561. by Nike, Inc.. (Attachments: # 1 Affidavit in Support of Motion to Admit Counsel Pro Hac Vice, # 2 Certificate of Good Standing for the District of Columbia Court of Appeals, # 3 Certificate of Good Standing for the Supreme Court of Illinois, # 4 Certificate of Good Standing for the Supreme Court of Minnesota) (Renk, Christopher) (Entered: 04/01/2021)
04/01/2021		ORDER granting 16 Motion for Leave to Appear Pro Hac Vice. Attorney Christopher J. Renk is permitted to appear <i>pro hac vice</i> on behalf of Plaintiff Nike, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Peggy Kuo on 4/1/2021. (O'Neil-Berven, Ryan) (Entered: 04/01/2021)

04/01/2021	17	Minute Entry for proceedings held before Judge Eric R. Komitee: Argument held on 4/1/2021. Case called. Arguments made. For the reasons stated on the record, the Court grants Plaintiff's motion for a temporary restraining order. (Court Reporter Victoria Torres-Butler.) (Richards, David) (Entered: 04/01/2021)
04/01/2021	18	ORDER re 7 Unsigned Order to Show Cause, filed by Nike, Inc. Plaintiff's motion for a temporary restraining order is granted. Defendant shall appear before the Court on April 14, 2021 at 3 p.m. to show cause why a preliminary injunction should not be issued. Defendant shall file opposing papers by April 8, 2021. Plaintiff shall file reply papers by April 12, 2021. The Court will post information on how to access the preliminary-injunction hearing on the public docket. Ordered by Judge Eric R. Komitee on 4/1/2021. (Richards, David) (Entered: 04/01/2021)
04/03/2021	19	MOTION for Extension of Time to File Response/Reply as to 17 Show Cause Hearing, 18 Order,, / <i>Stipulation and Proposed Order modifying schedule on preliminary injunction motion</i> by MSCHF Product Studio, Inc.. (Bannigan, Megan) (Entered: 04/03/2021)
04/05/2021		ORDER: Pursuant to the parties' request 19 , the preliminary-injunction hearing is adjourned to April 23, 2021 at 1 p.m. Defendant shall file opposing papers by April 15, 2021. Plaintiff shall file reply papers, if it chooses, by April 20, 2021. On consent of the parties, the temporary restraining order dated April 1, 2021 shall remain in effect through April 23, 2021. <i>See</i> Fed. R. Civ. P. 65(b)(2). The Court will post information on how to access the preliminary-injunction hearing on the public docket prior to the rescheduled hearing. Ordered by Judge Eric R. Komitee on 4/5/2021. (Guy, Alicia) (Entered: 04/05/2021)
04/06/2021	20	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14347741. by Nike, Inc.. (Attachments: # 1 Affidavit in Support, # 2 Certificate of Good Standing California) (Trotter, Rhonda) (Entered: 04/06/2021)
04/07/2021		ORDER granting 20 Motion for Leave to Appear Pro Hac Vice. Attorney Rhonda R. Trotter is permitted to appear <i>pro hac vice</i> on behalf of Plaintiff Nike, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that they receive electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Peggy Kuo on 4/7/2021. (O'Neil-Berven, Ryan) (Entered: 04/07/2021)
04/09/2021	21	NOTICE of Voluntary Dismissal by Nike, Inc. <i>with Prejudice</i> (Harris, Michael) (Entered: 04/09/2021)
04/12/2021		ORDER DISMISSING CASE re 21 NOTICE of Voluntary Dismissal by Nike, Inc. <i>with Prejudice</i> -- The temporary restraining order issued on April 1, 2021, is hereby dissolved, and Nike is released from the obligation to file a bond. The Clerk of Court is respectfully directed mark this action closed. Ordered by Judge Eric R. Komitee on 4/12/2021. (Guy, Alicia) (Entered: 04/12/2021)